Kleindienst, at Bribery Trial, Says He Rejected

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Campaign Offer of $100,000

By ARNOLD H. LUBASCH

The Federal Deputy Attorney General, Richard G. Kleindienst, testified at a bribary trial yesterday that he had been offered up to $100,000 as a campaign contribution for President Nixon if he would help a defendant who had been indicted in New York.

Mr. Kleindienst said he had rejected the offer immediately, but had not regarded it as a bride at the time it was made and had not reported it until a week later, after he learned Federal agents were investigating the case.

The Deputy Attorney General appeared as a witness in Federal Court here at the trial of Robert T. Carson, the suspended administrative assistant to Senator Hiram L. Fong Republican of Hawaii.

Testifying for the prosecution, Mr. Kleindienst said that the $100,000 offer was made to him last Nov. 24 on a visit to his office by Mr. Carson, who was charged with conspiracy, bribery and perjury in an alleged scheme to quash stock-fraud indictments.

"Now, would you tell the court and jury what Mr. Carson said to you and what you said to him on Nov. 24, 1970? said Robert G. Morvillo, the prosecutor.

Discussion With Carson

"Well," Mr. Kleindienst replied, "after we had exchanged pleasantries, Mr. Carson sat down in a chair in front of my desk and said that he had a friend in New York who was in trouble, and that if I could help him with respect to his trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between $50,000 and $100,000 to the re-election of President Nixon."

"I asked him what kind of trouble this man had," he continued. "Mr. Carson said that he was under indictment for Federal offenses, and I said that under no circumstances could I do anything about the matter, even look into it, as a result of that fact that a grand jury had returned an indictment."

"That was just about all the conversation that existed," Mr. Kleindienst said, adding that it had taken about two minutes during his 15-minute meeting with Mr. Carson.

Replying to another question by the prosecutor, Mr. Kleindienst said that he had reported the Nov. 24 conversation with Mr. aCrson to Attorney General John N. Mitchell the following Dec. 1.

Worked With Defendant

Joseph E. Brill, the defense lawyer, elicited under cross-examination that Mr. Kleindienst frequently talked with Mr. Carson and "worked very closely" with him in raising funds and campaigning for President Nixon.

"To your knowledge, Mr. Kleindienst," the defense lawyer asked, "did Mr. Carson talk with anyone else in the Department of Justice with respect to the subject matter that you testified to here on direct examination?"

"Not to my knowledge," Mr. Kleindienst answered, as he fingered his blue necktie.

"It is true, then, is it not," Mr. Brill asked, "that on Nov. 24, 1970, you did not regard that in the conversation you had with Mr. Carson that he offered you a bribe?"

"No, I did not," the Deputy Attorney General replied.

"If you had regarded that conversation as containing a bribe offer," Mr. Brill asked, "you would have immediately reported it, would you not?"

"Yes, sir, I would have," Mr. Kleindienst answered.

Responding to additional questions under cross-examination, Mr. Kleindienst said that he first learned that Mr. Carson was under investigation when Attornel General Mitchell showed him a memorandum from the F.B.I. director, J. Edgar Hoover, on Dec. 1 at 9 A.M.

Mr. Kleindienst added that the F.B.I. memorandum had indicated that an undercover agent was going to tape record a conversation with Mr. Carson

that was scheduled to occur later that morning.

"And it was not until after that," Mr. Brill asked, "that you did or said or wrote anything with respect to the conversation of Nov. 24?"

"Within minutes after I saw that," Mr. Kleindienst said, "that is correct."

When the cross-examination was completed, Mr. Morvillo asked additional questions for the prosecution, regarding when Mr. Kleindienst learned about the Carson investigation.

"It was not until the morning of Dec. 1, at 9 o'clock, in the office of the Attorney General," Mr. Kleindienst replied, "that I became aware that there was any kind of an investigation concerning Mr. Carson."

"After learning what you learned on Dec. 1, 1970, with regard to the fact that there was an investigation involving Mr. Carson," the prosecutor asked, "did you then consider what had happened on Nov. 24 to have been a bribe offer?"

"Yes," the Deputy Attorney General answered.

"No further questions," Mr. Morvillo said with emphasis.

"Mr. Kleindienst," asked Mr. Brill as he resumed his cross-examination, "are you really serious about that last answer?"

"Well, I am serious about it," Mr. Kleindienst said, "but I have to explain that, Mr. Brill."

Mr. Kleindienst, who described himself at one point as "the number two man" in the Justice Department, repeated in his subsequent replies that he had not thought he was being offered a bribe when Mr. Carson had mentioned the money to him on Nov. 24, but that he came to consider it a bribe offer when he learned about the investigation on Dec. 1.

"So that between Nov. 24 and Dec. 1," Mr. Brill asked at another point, "you gave no further thought to that portion of the conversation which lasted a minute or two, if that much, in which you said Mr. Carson told you that he had a friend who would contribute $100,000 to the Nixon campaign?"

"That's correct," Mr. Kleindienst answered.

The defense lawyer ended the hour-long questioning after he elcited from Mr. Kleindienst that his belief that the money represented a bribe offer had not been based on what Mr. Carson had told him.

Mr. Carson, a 65-year-old former chairman of the Hawaii Republican party and president of the Honolulu Stock Exchange, rested his chin in his hands as he listened intently to the testimony.

When the prosecution rested its case shortly after the Kleindienst testimony, Judge Marvin E. Frankel rejected defense motions to dismiss the charges, and the trial is scheduled to resume today at 10 A.M.

The jury of 10 men and two women remained sequestered by marshalls to prevent the jurors from being exposed to publicity in the case.